
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The General Ophthalmic Services Contracts (Continuing Education and Training Allowances) Payments Directions 2023

The Secretary of State gives the following Directions in exercise of the powers conferred by sections 120(1) and (3), 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

The Secretary of State has, in accordance with section 120(4) of that Act, consulted with the body appearing to the Secretary of State to be representative of persons to whose remuneration these Directions relate.

Citation, commencement, extent and application

- 1.—(1) These Directions may be cited as the General Ophthalmic Services Contracts (Continuing Education and Training Allowances) Payments Directions 2023.
- (2) These Directions come into force on the day after the day on which they are signed.
- (3) These Directions extend to England and Wales, but apply to England only(b).
- (4) These Directions are given to NHS England(c).

Interpretation

2. In these Directions—

“the Performers List Regulations” means the National Health Service (Performers Lists) (England) Regulations 2013(d);

“CET allowance” means an allowance paid to a contractor in respect of continuing education and training undertaken during the relevant year by the contractor or by an ophthalmic practitioner employed or engaged by the contractor to perform ophthalmic services under a GOS contract;

“contractor” means a party to a GOS contract other than NHS England or an Integrated Care Board;

“electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;

“GOS contract” means a general ophthalmic services contract within the meaning of section 117 of the National Health Service Act 2006(e) (general ophthalmic services contracts: introductory);

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- (a) 2006 c.41. Section 120(3) has been amended by the Health and Social Care Act 2012 (c.7) (“the 2012 Act”), Schedule 4, paragraph 58.
 - (b) By virtue of section 271(1) of the National Health Service Act 2006 (“the 2006 Act”), the functions being exercised in the making of these Directions by the Secretary of State are exercisable only in relation to England.
 - (c) NHS England (formerly known as the National Health Service Commissioning Board) was established by section 1H of the 2006 Act. Section 1H was inserted into the 2006 Act by section 9(1) of the 2012 Act. The National Health Service Commissioning Board was renamed “NHS England” by section 1 of the Health and Care Act 2022.
 - (d) S.I. 2013/335, amended by S.I. 2015/362; there are other amending instruments but none is relevant.
 - (e) Section 117 was amended by paragraph 55 of Schedule 4 to the 2012 Act.

“ophthalmic medical practitioner” has the meaning given in regulation 36 of the Performers List Regulations (ophthalmic performers list: interpretation);

“ophthalmic performers list” has the meaning given in regulation 2 of the Performers List Regulations (general provisions as to performers lists: interpretation);

“ophthalmic practitioner” has the meaning given in regulation 36 of the Performers List Regulations;

“register” has the meaning given in regulation 36 of the Performers List Regulations;

“registered optometrist” has the meaning given in section 36 of the Opticians Act 1989(a);

“relevant year” means the period beginning with 1st January 2022 and ending with 31st December 2022.

Entitlement conditions to a CET allowance

3.—(1) A CET allowance is only payable by NHS England to a contractor in respect of an individual ophthalmic practitioner if the entitlement conditions in paragraph (2) are met.

(2) The entitlement conditions are that—

- (a) the name of the ophthalmic practitioner in respect of whom the CET allowance is claimed has been included in an ophthalmic performers list for a period of at least six months during the relevant year,
- (b) a valid claim for the CET allowance is made in accordance with direction 4, and
- (c) the additional conditions specified in either paragraph (3) or paragraph (4), as the case may be, are satisfied.

(3) Where a CET allowance is claimed in respect of a registered optometrist, the conditions are that the registered optometrist has during the relevant year—

- (a) performed primary ophthalmic services under a GOS contract, and
- (b) undertaken such continuing education and training that the General Optical Council considers sufficient for the purposes of enabling that optometrist to remain on the register.

(4) Where a CET allowance is claimed in respect of an ophthalmic medical practitioner, the conditions are that the ophthalmic medical practitioner has during the relevant year —

- (a) performed primary ophthalmic services under a GOS contract,
- (b) not had any medical or optical employment apart from the activity performed under a GOS contract, and
- (c) undertaken such continuing education and training that the General Medical Council considers sufficient for the purposes of enabling that ophthalmic medical practitioner to remain on the register.

Claim and payment arrangements

4.—(1) A claim for CET allowance is valid if—

- (a) it is made using the online claim form and online portal approved by NHS England(b),
- (b) it includes the electronic signatures of the contractor and the ophthalmic practitioner, in respect of whom the claim for a CET allowance is made, and
- (c) it is received by NHS England on or after 3rd July 2023 but on or before 2nd November 2023.

(2) Where a CET allowance is payable in respect of an ophthalmic practitioner who is employed by two or more contractors, NHS England may only pay that allowance to the contractor that is

(a) 1989 c.44. Section 36 has been amended by S.I. 2005/848, S.I. 2019/593

(b) The online claim form can be accessed from: <https://secure.pcse.england.nhs.uk/HomePortal>.

nominated by that ophthalmic practitioner to receive it by way of declaration on the online claim form.

Amount of CET allowance payable

5.—(1) The CET allowance for the relevant year is £596.

(2) NHS England may pay no more than one CET allowance in respect of any individual ophthalmic practitioner for the relevant year.

Revocation

6. The General Ophthalmic Services Contracts (Continuing Education and Training Allowances) Payments Directions 2022, which were signed on 23rd June 2022, are revoked^(a).

Signed by authority of the Secretary of State for Health and Social Care



Alette Addison
A member of the Senior Civil Service
Department of Health and Social Care

Date: 22nd March 2023

(a) A copy of these Directions is available from the Department of Health and Social Care website at <https://www.gov.uk/government/publications/general-ophthalmic-service-continuing-education-and-training-payment-2022>